Rural Route 1 4210
Glasgow, MT 59230
November 21, 2003

Environmental Quality Council
Montana Department of Environmental Quality
Montana Fish, Wildlife and Parks
Parks Division
Fisheries Division
Wildlife Division
Conservation & Education Division
Design & Construction Bureau
Montana State Library, Helena
MT Environmental Information Center
Montana Audubon Council
State Historic Preservation Office, Helena
Fort Peck Tribes
Wolf Point City Mayor, City Council, Public Works Director
Roosevelt County Commissioners
George Ochenski

Ladies and Gentlemen:

Please find enclosed an Environmental (EA) addressing a proposed sale of 3.29 acres of State land, managed by the Montana Fish, Wildlife and Parks for recreation to the Fort Peck Tribes for construction of a water intake and pumping station. The Montana Environmental Protect Act (MEPA) requires the writing of an EA for any acquisition or disposition of state lands or interest in lands. Montana Fish, Wildlife and Parks is proposing the selling of this acreage in an effort to support the Fort Peck Reservation Rural Water System and Dry Prairie project, which will provide water to municipal, rural, and industrial uses.

Please submit any comments that you have by 5:00 pm., December 5, 2003 to the Montana Fish, Wildlife & Parks in Glasgow, MT at the address listed above. Completion of this proposed land transaction is contingent upon approval being granted by myself the Fish, Wildlife and Parks Regional Supervisor. If you have any questions, feel free to contact me at (406) 228-3700. Please note that this draft EA will be considered as final if no substantive comments are received by the deadline listed above.

Sincerely,

Roosevelt Misc.

Jim Satterfield
Regional Supervisor

MEPA/NEPA/HB495 CHECKLIST

PART I. PROPOSED ACTION DESCRIPTION

1. Type of Proposed State Action

Sale of 3.29 acres of state land, managed by the Montana Department of Fish, Wildlife and Parks for recreation to the Fort Peck Tribes for construction of a water intake and pumping station. The water intake and pumping station would provide water to the Fort Peck Reservation Rural Water System and Dry Prairie project to provide water for municipal, rural, and industrial uses. The appraised fair market value of the land is $1,000 for the 3.29 acres, which will be paid by the Fort Peck Tribes to Montana Fish, Wildlife, and Parks.

2. Agency Authority for the Proposed Action

87-1-209 Annotated Code- Acquisition or Sale of Lands or Water

3. Name of Project

Fort Peck/Dry Prairie Water System – Intake and Pump Station Project

4. Name, Address and Phone Number of Project Sponsor (if other than the agency)

Tom Escarcega
Fort Peck Assiniboine and Sioux Tribes
PO Box 1027
Poplar, MT 59255

5. If Applicable:

Estimated Construction/Commencement Date 01/01/04
Estimated Completion Date 06/30/04
Current Status of Project - Design and engineering nearly complete but no construction has been completed

6. Location Affected by Proposed Action (county, range and township)

Roosevelt County, T27N, R48E, Section 28

7. Project Size: Estimate the number of acres that would be directly affected that are currently:

(a) Developed:
residential..... 0 acres
industrial ..... 0 acres

(b) Open Space/Woodlands/
Recreation..... 3.29 acres

(c) Wetlands/Riparian
Areas..... 2.0 acres

(d) Floodplain..... 1.0 acres

(e) Productive:
irrigated cropland ..... 0 acres
dry cropland..... 0 acres
forestry..... 0 acres
rangeland ..... 0 acres
other..... 0 acres

8. Map/site plan: attach an original 8 1/2" x 11" or larger section of the most recent USGS 7.5' series topographic map showing the location and boundaries of the area that would be affected by the proposed action. A different map scale may be substituted if more appropriate or if required by agency rule. If available, a site plan should also be attached.

See attached

9. Narrative Summary of the Proposed Action or Project including the Benefits and Purpose of the Proposed Action.

The proposed action is the sale of 3.29 acres of state land administered by the Montana Department of Fish, Wildlife, and Parks to the Fort Peck Tribes for construction of a water intake to withdraw water from the Missouri River and a pumping station. The project would consist of a new 15.7 million gallons per day raw water intake, wet well, pump station, access road and transmission pipeline. The raw water intake would consist of a passive screen intake structure in the channel of the Missouri River and a buried pipeline (up to 22 feet deep) to an adjacent wet well. The pump station would be constructed of masonry blocks with vertical turbine pumps, intake backwash system, and diesel generator.

The project would extend from the north bank of the Missouri River, just downstream from the Highway 13 bridge, approximately 250 feet into the river to the thalweg (deepest part of channel). A 24-inch steel pipeline would extend from the intake structure to a wet well and pumping station, approximately 200 feet from the river. Approximately, 100 linear feet of riverbank would be disturbed by construction of the pipeline and intake. A corridor 50 feet in width would be excavated for placement of the intake and pipeline to the pumping station.

No permanent fill material or permanent cuts would be required in the river channel or floodplain. River sediments excavated during intake and pipeline installation would be replaced as backfill in the trench. It is not anticipated that riprap would be needed to stabilize the bank after construction. The location of the intake and trench is protected from erosive current action by the existing bridge. Revegetation without the use of riprap is expected to be adequate in stabilizing disturbed portions of the streambank.

10. Listing of any other Local, State or Federal agency that has overlapping or additional jurisdiction.

(a) Permits:

Agency Name	Permit	Date Filed/#

MDFWP	Joint Application for Work in Montana's Streams, Wetlands	04/01/03
Fort Peck Tribes	401 Certification	
EPA	Stormwater Permit	(to be obtained by contractor)

(b) Funding:

Agency Name	Funding Amount
Fort Peck Reservation Water System Act of 2000 (PL 106-382, 114 Stat. 1451)	$175,000,000

(c) Other Overlapping or Additional Jurisdictional Responsibilities:

Agency Name	Type of Responsibility
Bureau of Reclamation	Project oversight and NEPA compliance
Montana Department of Transportation	Highway right-of-way occupancy permit
Army Corps of Engineers	Section 404 Permit
Fort Peck Tribes	401 Certification of 404 Permit
State Historic Preservation Office	Cultural resources clearance
Bureau of Indian Affairs	Operation and Maintenance of project facilities

11. List of Agencies Consulted during Preparation of the EA:

Montana Department of Fish, Wildlife, and Parks
Bureau of Reclamation
SHPO
Bureau of Indian Affairs

Other agencies were contacted during preparation of the Programmatic EA for the Fort Peck Reservation Rural Water System, which this proposed action is part of (Final Programmatic EA).

PART II. ENVIRONMENTAL REVIEW

PHYSICAL ENVIRONMENT

1. LAND RESOURCES **Will the proposed action result in:**	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
a. Soil instability or changes in geologic substructure?			X		yes	1
b. Disruption, displacement, erosion, compaction, moisture loss, or over-covering of soil, which would reduce productivity or fertility?			X		yes	2
c. Destruction, covering or modification of any unique geologic or physical features?		X				
d. Changes in siltation, deposition or erosion patterns that may modify the channel of a river or stream or the bed or shore of a lake?		X				
e. Exposure of people or property to earthquakes, landslides, ground failure, or other natural hazard?		X				
f. Other						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

PHYSICAL ENVIRONMENT

2. AIR **Will the proposed action result in:**	IMPACT				Can Impact Be Mitigated	Comment Index
	Unknown	None	Minor	Potentially Significant		
a. Emission of air pollutants or deterioration of ambient air quality? (also see 13 (c))			X		No	3
b. Creation of objectionable odors?			X		No	4
c. Alteration of air movement, moisture, or temperature patterns or any change in climate, either locally or regionally?		X				
d. Adverse effects on vegetation, including crops, due to increased emissions of pollutants?		X				
e. For P-R/D-I projects, will the project result in any discharge which will conflict with federal or state air quality regs? (Also see 2a)		X				
f. Other						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Air Resources (Attach additional pages of narrative if needed):

Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact h[illegible]t or can not be evaluated.

< Include a narrative description addressing the items identified in 12.8.604-1a (ARM)

Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

PHYSICAL ENVIRONMENT

3. WATER **Will the proposed action result in:**	IMPACT[3]				Can Impact Be Mitigated[3]	Comment Index
	Unknown[3]	None	Minor[3]	Potentially Significant		
< a. Discharge into surface water or any alteration of surface water quality including but not limited to temperature, dissolved oxygen or turbidity?			X		Partially	5
b. Changes in drainage patterns or the rate and amount of surface runoff?			X		No	6
c. Alteration of the course or magnitude of flood water or other flows?		X				
d. Changes in the amount of surface water in any water body or creation of a new water body?			X		No	7
e. Exposure of people or property to water related hazards such as flooding?		X				
f. Changes in the quality of groundwater?		X				
g. Changes in the quantity of groundwater?		X				
h. Increase in risk of contamination of surface or groundwater?		X				
i. Effects on any existing water right or reservation?		X				
j. Effects on other water users as a result of any alteration in surface or groundwater quality?		X				
ffects on other users as a result of any alteration in ace or groundwater quantity?		X				
⊄⊄l.For P-R/D-I, will the project affect a designated floodplain? (Also see 3c)			X		No	8
⊄m. For P-R/D-I, will the project result in any discharge that will affect federal or state water quality regulations? (Also see 3a)			X		See 3.b	6
n. Other:						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Water Resources (Attach additional pages of narrative if needed):

[3] Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.

< Include a narrative description addressing the items identified in 12.8.604-1a (ARM)

⊄ Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

⊄⊄ Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

PHYSICAL ENVIRONMENT

4. VEGETATION Will the proposed action result in:	IMPACT[ə]				Can Impact Be Mitigated[ə]	Comment Index
	Unknown[ə]	None	Minor[ə]	Potentially Significant		
a. Changes in the diversity, productivity or abundance of plant species (including trees, shrubs, grass, crops, and aquatic plants)?			X		Partially	9
b. Alteration of a plant community?			X		No	10
c. Adverse effects on any unique, rare, threatened, or endangered species?		X				
d. Reduction in acreage or productivity of any agricultural land?		X				
e. Establishment or spread of noxious weeds?			X		Yes	11
¢¢f.For P-R/D-I, will the project affect wetlands, or prime and unique farmland?		X				
g. Other:						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

ə Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact h__ot or can not be evaluated.

< Include a narrative description addressing the items identified in 12.8.604-1a (ARM)

¢ Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

¢¢ Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

PHYSICAL ENVIRONMENT

< 5. FISH/WILDLIFE ,, ill the proposed action result in:	IMPACT[ə]				Can Impact Be Mitigated[ə]	Comment Index
	Unknown[ə]	None	Minor[ə]	Potentially Significant		
a. Deterioration of critical fish or wildlife habitat?		X				
b. Changes in the diversity or abundance of game animals or bird species?		X				
c. Changes in the diversity or abundance of nongame species?		X				
d. Introduction of new species into an area?		X				
e. Creation of a barrier to the migration or movement of animals?		X				
f. Adverse effects on any unique, rare, threatened, or endangered species?		X				
g. Increase in conditions that stress wildlife populations or limit abundance (including harassment, legal or illegal harvest or other human activity)?		X				
⊄⊄h. For P-R/D-I, will the project be performed in any area in which T&E species are present, and will the project affect any T&E species or their habitat? (Also see 5f)			X		Partially	12
⊄i. For P-R/D-I, will the project introduce or export any species not presently or historically occurring in the receiving location? (Also see 5d)		X				
j. Other:						

N ve Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

ə Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.

< Include a narrative description addressing the items identified in 12.8.604-1a (ARM)

⊄ Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

⊄⊄ Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

HUMAN ENVIRONMENT

6. NOISE/ELECTRICAL EFFECTS Will the proposed action result in:	IMPACT[ə]				Can Impact Be Mitigated[ə]	Comment Index
	Unknown[ə]	None	Minor[ə]	Potentially Significant		
a. Increases in existing noise levels?			X		Partially	13
b. Exposure of people to serve or nuisance noise levels?			X		Partially	14
c. Creation of electrostatic or electromagnetic effects that could be detrimental to human health or property?		X				
d. Interference with radio or television reception and operation?		X				
e. Other:						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

ə Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact h__ot or can not be evaluated.

< Include a narrative description addressing the items identified in 12.8.604-1a (ARM)

ȼ Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

ȼȼ Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

HUMAN ENVIRONMENT

7. LAND USE Will the proposed action result in:	IMPACT[3] Unknown[3]	None	Minor[3]	Potentially Significant	Can Impact Be Mitigated[3]	Comment Index
a. Alteration of or interference with the productivity or profitability of the existing land use of an area?			X		Partially	15
b. Conflicted with a designated natural area or area of unusual scientific or educational importance?		X				
c. Conflict with any existing land use whose presence would constrain or potentially prohibit the proposed action?		X				
d. Adverse effects on or relocation of residences?		X				
e. Other: _____						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

[3] Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.

< Include a narrative description addressing the items identified in 12.8.604-1a (ARM)

¢ Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

¢¢ Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

HUMAN ENVIRONMENT

9. COMMUNITY IMPACT Will the proposed action result in:	IMPACT[3]				Can Impact Be Mitigated[3]	Comment Index
	Unknown[3]	None	Minor[3]	Potentially Significant		
a. Alteration of the location, distribution, density, or growth rate of the human population of an area?		X				
b. Alteration of the social structure of a community?		X				
c. Alteration of the level or distribution of employment or community or personal income?		X				
d. Changes in industrial or commercial activity?		X				
e. Increased traffic hazards or effects on existing transportation facilities or patterns of movement of people and goods?		X				
f. Other:						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

[3] Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.

< Include a narrative description addressing the items identified in 12.8.604-1a (ARM)

Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

HUMAN ENVIRONMENT

10. PUBLIC SERVICES/TAXES/UTILITIES Will the proposed action result in:	IMPACT[э]				Can Impact Be Mitigated[э]	Comme Index
	Unknown[э]	None	Minor[э]	Potentially Significant		
a. Will the proposed action have an effect upon or result in a need for new or altered governmental services in any of the following areas: fire or police protection, schools, parks/recreational facilities, roads or other public maintenance, water supply, sewer or septic systems, solid waste disposal, health, or other governmental services? If any, specify: _____		X				
b. Will the proposed action have an effect upon the local or state tax base and revenues?		X				
c. Will the proposed action result in a need for new facilities or substantial alterations of any of the following utilities: electric power, natural gas, other fuel supply or distribution systems, or communications?		X				
d. Will the proposed action result in increased used of any energy source?			X			16
< e. Define projected revenue sources		X				
< f. Define projected maintenance costs.						
g. Other:_____						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

э Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact h ot or can not be evaluated.

< Include a narrative description addressing the items identified in 12.8.604-1a (ARM)

ȼ Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

ȼȼ Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

HUMAN ENVIRONMENT

< 11. AESTHETICS/RECREATION ,, ıl the proposed action result in:	IMPACT[3]				Can Impact Be Mitigated[3]	Comment Index
	Unknown[3]	None	Minor[3]	Potentially Significant		
a. Alteration of any scenic vista or creation of an aesthetically offensive site or effect that is open to public view?			X		Partially	17
b. Alteration of the aesthetic character of a community or neighborhood?		X				
<c. Alteration of the quality or quantity of recreational/tourism opportunities and settings? (Attach Tourism Report)			X		Partially	18
⊄d. For P-R/D-I, will any designated or proposed wild or scenic rivers, trails or wilderness areas be impacted? (Also see 11a, 11c)		X				
e. Other:						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

[3] Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.

< Include a narrative description addressing the items identified in 12.8.604-1a (ARM)

⊄ Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

⊄⊄ Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

HUMAN ENVIRONMENT

12. CULTURAL/HISTORICAL RESOURCES Will the proposed action result in:	IMPACT[ə]				Can Impact Be Mitigated[ə]	Comme Index
	Unknown[ə]	None	Minor[ə]	Potentially Significant		
<a. Destruction or alteration of any site, structure or object of prehistoric historic, or paleontological importance?		X				
b. Physical change that would affect unique cultural values?						
c. Effects on existing religious or sacred uses of a site or area?	X					
∝∝d. For P-R/D-I, will the project affect historic or cultural resources? **Attach SHPO letter of clearance.** (Also see 12.a)			X			19
e. Other:						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

ə Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact h ot or can not be evaluated.

< Include a narrative description addressing the items identified in 12.8.604-1a (ARM)

∝ Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

∝∝ Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

HUMAN ENVIRONMENT

13. SUMMARY EVALUATION OF SIGNIFICANCE Will the proposed action, considered as a whole:	IMPACT[3]				Can Impact Be Mitigated[3]	Comment Index
	Unknown[3]	None	Minor[3]	Potentially Significant		
a. Have impacts that are individually limited, but cumulatively considerable? (A project or program may result in impacts on two or more separate resources which create a significant effect when considered together or in total.)		X				
b. Involve potential risks or adverse effects which are uncertain but extremely hazardous if they were to occur?		X				
c. Potentially conflict with the substantive requirements of any local, state, or federal law, regulation, standard or formal plan?		X				
d. Establish a precedent or likelihood that future actions with significant environmental impacts will be proposed?		X				
e. Generate substantial debate or controversy about the nature of the impacts that would be created?		X				
f. For P-R/D-I, is the project expected to have organized opposition or generate substantial public controversy? (Also see 13e)		X				
g. For P-R/D-I, list any federal or state permits required.						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

[3] Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.

< Include a narrative description addressing the items identified in 12.8.604-1a (ARM)

 Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

 Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

1. Description and analysis of reasonable alternatives (including the no action alternative) to the proposed action whenever alternatives are reasonably available and prudent to consider and a discussion of how the alternatives would be implemented:

The alternative of constructing the water intake and pipeline on Tribal or private land on the Fort Peck Reservation has been addressed in the "Final Programmatic Environmental Assessment – Fort Peck Reservation Rural Water System – Fort Peck Reservation and Dry Prairie Service Areas" prepared by the Bureau of Reclamation, Montana Department of Natural Resources and Conservation, and Montana Department of Environmental Quality in 2002. Other sites were investigated and dismissed from further consideration due to environmental, engineering, geotechnical, cost, or other considerations. The selected site for the intake and pumping station, located on state land, has unique qualities associated with stable river banks and channel morphology associated with presence of the Highway 13 bridge upstream from the project. The bridge limits bank erosion, sediment deposition, and channel migration that typically occur on most reaches of the Missouri River.

2. Evaluation and listing of mitigation, stipulation, or other control measures enforceable by the agency or another government agency:

The Programmatic Environmental Assessment that was prepared for this project and the Finding of No Significant Impact (FONSI) identify environmental commitments that will be implemented to avoid, reduce, minimize and monitor adverse impacts from the project. These commitments are listed in the Programmatic EA by resource area affected (pages 5-8 through 5-11).

3. Based on the significance criteria evaluated in this EA, is an EIS required? YES / NO If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action:

An EIS is not required because only minor impacts would occur.

4. Describe the level of public involvement for this project if any and, given the complexity and the seriousness of the environmental issues associated with the proposed action, is the level of public involvement appropriate under the circumstances?

Six public meetings were held to involve the public in the scoping for the proposed Fort Peck and Dry Prairie Project for preparation of the draft Programmatic Environmental Assessment for the Fort Peck Reservation Rural Water System. The draft Programmatic EA was also distributed for comments from agencies and members of the public. Comments received were addressed in the Final Programmatic EA. There were no comments that reflected the view by agencies or the public that impacts would be of the level of significance to require an EIS. The intake and pumping station and other project components were addressed in the Programmatic EA.

5. Duration of comment period if any:

30 days

6. Name, title, address and phone number of the Person(s) Responsible for Preparing the EA:

Joe C. Elliott, Ecological Consultant, 3918 Lincoln Road, Missoula, Montana 59802 Telephone 406-542-5014

PART III. NARRATIVE EVALUATION AND COMMENT

This Environmental Assessment addresses direct and indirect impacts of the sale 3.29 acres of state land managed by the Montana Department of Fish, Wildlife, and Parks for recreation. The alternative of granting an easement for the parcel of state land versus the sale of the land was considered as an alternative but rejected because of liability issues. If an easement were granted by the state and the project caused damage or injury to persons or property, the state could be subject to liability for damages. With the sale of land, liability for the project would rest with the Fort Peck Tribes.

Proposed construction of the water intake and pumping station near Wolf Point is part of the larger Fort Peck Reservation Rural Water System. Potential impacts and mitigation are addressed for the entire project in the Programmatic EA prepared by the Bureau of Reclamation and state agencies. This programmatic EA addressed potential impacts but did not address site-specific impacts that would result from the construction of the intake and pumping station near Wolf Point. Although, the Programmatic EA did not specifically address potential impacts of the intake and pumping station near Wolf Point, the range of impacts addressed in the Programmatic EA are consistent with the impacts expected with construction and operation of the facilities near Wolf Point. As concluded in the Programmatic EA and in this site-specific EA, the proposed sale of state land and construction of a water intake and pumping station would have minor effects on physical, biological, and human resources.

LAND RESOURCES

Response to comments 1 and 2

Impacts to soil would be temporary, resulting from construction of the water intake and pipeline. Excavation of the trench and intake in the Missouri River would increase suspended sediment levels and turbidity in the river downstream from the project site. The Missouri River carries high sediment loads naturally and the short-term contribution from this project would be small, and have negligible effects on the sediment budget of the river. Currently, bank stability stemming from operation of the Fort Peck Dam is a major problem on the Fort Peck reach of the Missouri River. Slumping banks contribute to loads of suspended and bedload sediments in the Missouri River, which affect the dynamics of channel migration and sandbar/island formation and erosion. This project would result in intensive management to stabilize a reach of riverbank at the project site and would not increase erosion of banks upstream or downstream.

Increased sediment in the stream would be minimized by :

- Backfilling immediately after pipe is placed in the trench
- Placing silt barriers to control sediment delivery from slopes
- Stockpiling soil from the trench out of the water at least 50 feet from the riverbank
- Selection of a site where the channel and bank are stable
- Restoration of original streambank and bed contours
- Servicing and refueling equipment at least 250 feet from water
- Riprap banks where flow conditions prevent stabilization with vegetation

AIR

Response to comments 3 and 4

The pumping station would be operated by electricity with a backup diesel generator for emergencies. If the diesel generator were used in emergencies, hydrocarbon air emissions would adversely affect local air quality. If more than 100 tons per year were emitted through use of the diesel generator, a Minor Source Emission Permit would need to be obtained from the Environmental Protection Agency. Operation of the diesel generator would emit hydrocarbons that would have an objectionable odor to campers or others using the recreation site adjacent to the pumping station. It is unlikely that the adverse effects on air quality and odor could be totally eliminated; however, these effects would be localized and short term.

WATER

Response to comments 5,6,7, and 8

Construction of the pipeline and intake structure would result in a discharge of sediment to the Missouri River during and for a short time after construction. Turbidity would increase downstream for about one mile during the construction phase of the project. Bank stabilization and revegetation would minimize the potential for long-term sediment delivery to the river.

Construction of the pumping plant would have minor effects on patterns and amount of surface runoff. Increased runoff from the pumping station would occur, compared to existing conditions, but this runoff would be negligible given the small size of the pumping plant.

The Roosevelt County Disaster and Emergency Services (Letter , July 10, 2003) indicates that the proposed intake and pumping station are in designated shallow flooding areas. To build in these locations, the lowest floor of any structure must be two feet above the estimated high water level or two feet above average elevation. The proposed pumping station would be two feet above the average water level. Operation of the Fort Peck Dam controls extreme flood events and prevents overbank flooding at the pump station site.

The intake itself would be in the Missouri River, which is subject to flow variation resulting from operation of the Fort Peck Dam. The intake would be permanently flooded.

VEGETATION

Response to comment 9,10, and 11

Construction of the pipeline would remove from 10-20 mature cottonwood trees and associated shrubs and herbaceous vegetation. These cottonwood trees became established prior to closure of the Fort Peck Dam. Operation of the Fort Peck Dam, which has eliminated overbank flooding, has prevented the establishment of young cottonwoods on the historic floodplains of the Missouri River; consequently, new cottonwoods would not become established following removal of the trees for the intake and pumping station. In the absence of periodic overbank flooding, the existing stands of riparian cottonwoods on and adjacent to the project site will decline in vigor and die out within 50 years or less.

Disturbance of soil associated with construction of the intake and pumping plant would increase the potential for noxious weeds to become established on the site.

Mitigation measures to reduce adverse effects on vegetation would include:

- Reseeding of disturbed sites with desirable grasses and forbs as soon as practicable after construction
- Treatment of noxious weed infestations prior to construction

- Monitoring and treatment of noxious weed infestations following construction
- Planting of cottonwood, snowberry, chokecherry, buffalo berry, and other native woody species on disturbed sites.
- Protecting planted trees and shrubs and adjacent mature cottonwoods beaver damage through fencing or some other method

FISH/WILDLIFE

Response to comment 12

Removal of cottonwood trees and associated shrubs, grasses, and forbs, would reduce habitat quality for song birds, raptors (especially owls), raccoons, and other species the frequent riparian habitat. The effect on wildlife populations would be slight, however, due to the small acreage removed (less than 2 acres of riparian vegetation), and current high levels of human activity (boat launch, highway, and recreation site). During construction, birds and other wildlife would be displaced from the construction site. It is likely that they would return to adjacent areas following construction as wildlife becomes accustomed to low-level noise from the pumping station.

Four federally listed species of animals are known to be present near the project area, bald eagle (threatened), piping plover (threatened), least tern (endangered), whooping crane, and pallid sturgeon (endangered). A Biological Assessment was prepared for the Fort Peck Reservation Rural Water System and the U.S. Fish and Wildlife Service determined that the proposed project would not affect bald eagle, whooping crane, and least tern and is not likely to adversely affect the piping plover and pallid sturgeon. This determination was based, in part, on the following conservation commitments:

- Impacts to piping plover and least tern nesting habitat on sandbars and islands would be avoided by timing construction to avoid the critical nesting period of May 15 to July 30 or by selecting an intake site 0.5 miles from potential nesting habitat.
- Monitor the intake for the presence of pallid sturgeon fry or eggs for seven years
- Constructing the intake with slots 1/8 inch or less with water velocities limited to 0.5 feet per second.

NOISE/ELECTRICAL EFFECTS

Response to comments 13 and 14

Currently, noise at the proposed pumping station site is mostly from traffic on the adjacent paved highway. With construction of the pumping station, there would be a low-level hum from operation of the pumps. Experience on the Mni Wiconi Project in South Dakoata indicates that with proper design of the building housing the pumps, noise levels were not a cause of complaint from nearby residents. Similar noise abatement is planned at the Wolf Point construction site.

LAND USE

Response to comment 15

Currently, the developed camping and recreation area is mostly west of Highway 13. The highway embankment would shield some recreationists from the expected low noise levels and views of the pumping station.

Future development of recreation on the parcel of state lands, east of Highway 13 would likely take place several hundred yards east of the proposed pumping station. The proposed pumping station is located between Highway 13 and an electrical transmission line. If future development were on the state parcel east of the electrical transmission line, noise from the pumping station likely would not be audible to recreationists.

The size of total land area available for recreation at the site would be reduced from 43.59 acres to 40.30 acres. The location of land proposed for sale does not appear to be of prime recreational importance due to its close proximity to Highway 13 on the west and an electrical transmission line on the east. Future development of recreation would not be precluded by the proposed action. The eastern part of the state parcel is currently undeveloped and could be developed for camping or other recreational activities. Effects from noise and visual intrusions associated with the pumping station would be minimized through construction techniques to reduce noise.

PUBLIC SERVICES/TAXES/UTILITIES

Response to comment 16

The proposed sale of state land to the Fort Peck Tribes would have no effect on revenue sources. Currently, the land is being used for recreational access to the Missouri River. Access would not be restricted by the proposed action. Because the land sale would result in 3.29 acres of state land becoming land owned by the Fort Peck Tribes, on the Fort Peck Indian Reservation, the state would have no jurisdiction over the land with implementation of the proposed action.

There would be no maintenance cost directly associated with the sale of land to the Fort Peck Tribes; however, the water intake and pumping station would require maintenance. The cost of maintenance is included in the project budget for the Fort Peck Reservation Rural Water System.

The proposed project would result in consumption of electrical energy to pump water from the Missouri River.

AESTHETICS/RECREATION

Response to comment 17 and 18

Construction of the pumping station and installation of the buried pipeline would affect visual quality and aesthetics of the site. The pumping station would introduce a new structure that would add to the overall effect of human development of the recreation area. Although there are currently two bridges over the river, an electric transmission line and a highway adjacent to the pumping station site, the structural features, including a fence around the pumping station, would detract from the natural ambiance desirable for a recreational site on the Missouri River. Removal of 10-20 mature cottonwoods trees would further reduce the aesthetic qualities desired for a recreation site.

Under normal operating conditions, noise from the pumping station would be a low hum, audible for distance of about 100 feet. In an emergency, the backup diesel generator would be used to power the pumping station. Noise and air emissions from the diesel generator would detract from aesthetics and recreational quality of the state lands adjacent to the pumping station. Use of the emergency generator would be short term and infrequent.

Visual effects would be reduced by planting native vegetation (e.g., cottonwoods, chokecherry, American Plum, silver buffaloberry, snowberry, and rose) to visually screen the pumping station. Vegetation screening would also help reduce noise from the pumping station to non-disruptive levels. Visual effects would be further mitigated by designing and constructing a low-profile pumping plant building and painting the building in natural colors.

Cottonwood trees and native shrubs would be planted to replace trees and shrubs removed during construction of

the buried pipeline; however, the loss of mature trees would be a long-term loss of visual quality. Trees would have to grow for more than 60 years to replace the mature trees now on the site.

CULTURAL/HISTORICAL RESOURCES

A Class III cultural resources survey has been completed for the land affected by the pumping station and intake (Strait, J., J. Pouley, and L. Peterson. 2003. Cultural Resources Inventory of the Fort Peck Rural Water Project: Intake and Water Processing Plant Locations, Roosevelt Co., MT. Ethnoscience Inc., Billings, MT). This survey identified the Lewis and Clark Bridge, also known as the Wolf Point Bridge or Macon Bridge, completed in 1930, as the finest remaining example of Pennsylvania through-truss bridge in Montana. This bridge, immediately adjacent to the pumping station and pipeline for the intake is listed on the National Register of Historic Places (Site 24RV438).

In 1998, the Montana Department of Transportation executed an agreement that turned ownership of the Bridge over to the Montana Historical Society. State Historical Society maintains the bridge and features that give it its historic significance and assumed all legal and financial responsibility for the bridge.

SHPO has determined that the proposed project would not adversely affect cultural resources (see attached letter)